

CLFP
LEGISLATIVE REPORT
June 5, 2008

This report highlights legislation that is of interest to California fruit and vegetable processors. If you would like more detailed information on these bills, or have questions about the status of other bills please contact Bill Grigg, (916) 208-0108; or billgrigg@cox.net

AB 1848 (Ma) Income tax: returns: withholding

This bill would require California employers to collect state withholding taxes for vendors, independent contractors and others doing business in California, and those doing business in more than one state on the same contract. **Status: SENATE RLS. CLFP position: Oppose**

AB 1851 (Nava) Greenhouse gas emissions: sale of voluntary offsets.

Would require, beginning on January 1, 2011, sellers of voluntary greenhouse gas emission offsets in the state to ensure, to the extent practical, that the project generating the offset has been verified to reduce greenhouse gas emissions in a real, additional, measurable, and verifiable manner by independent 3rd-party verifiers that meet accreditation standards and protocols developed by the state board. A person selling offsets in the state would be required to disclose specified information in its marketing materials for those offsets. Beginning January 1, 2011, a person selling an offset within the state would be required to ensure that the offset has been registered with a registry accredited by the state board. This bill contains other related provisions. **Status: SENATE RLS. CLFP position: Watch**

AB 1879 (Feuer) Hazardous materials: toxic substances.

Would authorize the department to regulate the sale of products containing specified chemicals or restrict the sale or use of those products to prevent the exposure of individuals or the environment to the specified chemicals. The department would be required to prioritize regulatory action based on specified criteria. The department would be authorized to require a manufacturer of a consumer product containing the specified chemicals to label its product indicating the presence of the chemical and health effects associated with the chemical. The department would be required to implement this measure in conformity with applicable federal laws and regulations. Because violation of the regulations adopted by the department pursuant to the bill would be a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. **Status: SENATE RLS. CLFP position: Oppose**

AB 1946 (Nava) Hazardous materials: water quality: enforcement.

Would extend the statute of limitations from one-year to five-years for specified violations of hazardous material release response plans and allows district attorneys, upon request of the State Water Resources Control Board or a regional water quality control board, to petition the superior court to recover civil penalties for violations of the Porter-Cologne Water Quality Control Act. **Status: SENATE E.Q. CLFP position: Oppose**

AB 1988 (Swanson) Employee safety.

Would clarify that a place of employment may be deemed dangerous because of a particular machine, device, apparatus, or equipment, as well as a condition or practice in a place of employment, constituting an imminent hazard to employees. This bill contains other related provisions and other existing laws. **Status: SENATE RLS. CLFP position: Oppose**

AB 2079 (Emmerson) Food.

Would deem food to be misbranded if its labeling does not conform with requirements for allergen labeling set forth in the federal Food, Drug, and Cosmetic Act. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. **Status: SENATE APPR. CLFP position: Neutral**

AB 2270 (Laird) Recycled water: water quality.

This bill would require an urban water supplier to include in its urban water management plan information on recycled water, including, in acre-feet of water per year, a description of the quantity of treated wastewater that meets recycled water standards, a description and quantification of the potential uses of recycled water, and the projected use of recycled water within the supplier's service area. The bill would authorize any local agency that maintains a community sewer system to take action to control residential salinity inputs, including those from water softeners, to protect the quality of the waters of the state, if the state board or an appropriate regional water quality control board makes a finding that the control of residential salinity input will contribute to the achievement of water quality objectives. **Status: SENATE RLS. CLFP position: Support**

AB 2404 (Salas) Energy efficiency: water efficiency programs.

Would require the commission, by March 31, 2010, to report to the Legislature on the results of the pilot programs, provide conclusions drawn from the pilot programs, and make recommendations as to whether the electrical and gas corporations would or could achieve cost-effective energy efficiency improvements through water conservation programs. **Status: SENATE RLS. CLFP position: Watch**

AB 2505 (Brownley) Hazardous waste: polyvinyl chloride packaging container.

This bill would prohibit a person, on and after January 1, 2010, from manufacturing, importing, selling, or distributing in commerce in this state a polyvinyl chloride packaging container, as defined. As amended, the definition for packaging container has been narrowed to exclude glass container lids which removes CLFP's opposition. **Status: SENATE RLS. CLFP position: Neutral**

AB 2716 (Ma) Employment: paid sick leave.

Would provide that an employee who works in California for 7 or more days in a calendar year is entitled to paid sick days, which shall be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault. An employer would be prohibited from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice, and recordkeeping requirements. The bill would also make conforming changes. This bill contains other related provisions. **Status: SENATE RLS. CLFP position: Oppose**

AB 2760 (Leno) Environment: CEQA: pest eradication.

Would require the preparation of an environmental impact report or the modification, addendum, or supplement to an existing environmental impact report for the aerial application of pesticide in an urban area for the eradication of the light brown apple moth. This bill contains other existing laws. **Status: SENATE RLS. CLFP position: Oppose**

AB 2763 (Laird) Invasive pests: advance planning: assessments.

Would require the Department of Food and Agriculture to develop and maintain a list of invasives, defined to mean nonnative animals, plants, insects, and diseases and classes of similar nonnative animals, plants, insects, and diseases, that have a reasonable likelihood of entering the state for which an eradication, control, or management action by the state might be appropriate. The department would be required, based on available funding, to develop and maintain a written assessment of the most appropriate options for eradication, control, or management of high priority invasives on the list, and to include specified information in the assessment if the use of pesticides would be among the appropriate responses. Certain state agencies would be required to participate in the preparation of the assessment and the department would be required to hold public hearings. The bill would require the department to notify the Governor, the governing boards of affected cities and counties, and county agricultural commissioners if an invasive on the list has entered the state, and, if the use of a pesticide is the preferred eradication, control, or management response, to advise the Governor and provide the Governor with a copy of the assessment. The department would also be required to, among other things, notify certain local governmental entities and officers, notify the public of specified health information, hold public hearings, and establish a telephone hotline, if the department determines that an invasive has entered the state, and the use of a pesticide is the selected response. The bill would require the department to seek federal funds for the implementation of this act and would specify that if state funds

are used to implement the act, it is the intent of the Legislature that only moneys from the Department of Agriculture Account in the Department of Food and Agriculture Fund be appropriated and spent .

Status: SENATE RLS. CLFP position: Neutral

AB 2765 (Huffman) Pest eradication: aerial use of pesticide: public hearing: notice.

Would additionally require the secretary or commissioner, before the aerial application of a pesticide, to conduct at least one public hearing to consider all alternatives to aerial application of a pesticide and to seek an assessment of human health risks and environmental risks from the Department of Pesticide Regulation, peer reviewed by the Office of Environmental Health Hazard Assessment, including findings and recommendations regarding environmental and human risks of the proposed use of a pesticide by aerial application . This bill contains other related provisions and other existing laws. **Status: SENATE AGRI. CLFP position: Neutral**

AB 2986 (Leno) Waste discharge requirements.

by January 1, 2010, would require the state board and each regional board to post on their respective Internet Web sites, at a minimum, copies of specified water quality documents maintained in their files and generated on or after January 1, 2009. The state board and each regional board would be required to post on their respective Internet Web sites additional water quality documents generated between January 1, 2006, and December 31, 2008, if they have electronic copies of those documents. This bill contains other related provisions and other existing laws. **Status: SENATE RLS. CLFP position: Oppose**

SB 509 (Simitian) Consumer products: content information.

Would require a manufacturer or wholesaler of a consumer product , as defined, on or before March 31, 2009, to provide a notice that lists all substances, identified by a number or other unique identifier, that are contained in that product by more than 1/10 of 1%, by posting the information on the manufacturer's or wholesaler's Internet Web site. A manufacturer or wholesaler that does not maintain an Internet Web site would be required by the bill to establish such an Internet Web site. The bill would declare that its provisions are severable , and if any provision of the bill is held invalid, that invalidity would not affect other provisions or applications that can be given effect without the invalid provision or application.

Status: ASSEMBLY B. & P. CLFP position: Oppose

SB 634 (Wiggins) Food labeling: olive oil.

Currently a spot bill, when amended would provide a definition for "extra virgin olive oil". **Status: ASSEMBLY AGRI. CLFP position: Support**

SB 974 (Lowenthal) Ports: congestion relief: air pollution mitigation: regulatory fee.

Would require the Ports of Los Angeles, Long Beach, and Oakland to collect a user fee on the owner of container cargo moving through the Port of Los Angeles, the Port of Long Beach, or the Port of Oakland at a rate of \$30 per twenty-foot equivalent unit (TEU). This bill contains other related provisions and other existing laws. **Status: ASSEMBLY THIRD READING CLFP position: Oppose**

SB 1113 (Migden) Attorney's fee and costs.

This bill would increase liability exposure and litigation costs for defendant companies and employers by allowing a prevailing plaintiff who is awarded attorney's fees under the private attorney statute to also recover expert witness fees and nonstatutory costs. This legislation would benefit prevailing plaintiffs only, not prevailing defendants. **Status: ASSEMBLY JUD. CLFP position: Oppose**

SB 1115 (Migden) Workers' compensation: permanent disability reports: apportionment.

This bill would provide that race, religious creed, color, national origin, age, gender, marital status, sex, or genetic predisposition shall not be considered a cause or other factor of disability with regard to any workers' compensation apportionment determination. **Status: ASSEMBLY INS. CLFP position: Oppose**

SB 1165 (Kuehl) Environment: environmental impact report.

Would authorize a person to submit information or other comments to the lead agency and require the lead agency to consider and retain communications made to the lead agency or its consultants. The bill would require the lead agency to retain, in the ordinary course of business, administrative drafts, as defined, of its EIR, negative declaration, or mitigated negative declarations that are circulated among the

project applicant and any public agencies when the draft EIR, negative declaration, or mitigated negative declaration is available for public comment. The bill would require the lead agency, which includes a local agency, to retain any administrative draft, thereby imposing a state-mandated local program by requiring an increase in the level of service provided by a local agency. This bill contains other related provisions and other existing laws. **Status: SENATE DEAD CLFP position: Oppose**

SB 1338 (Migden) Workers' compensation: medical treatment: predesignation of physician. Would delete the December 31, 2009, repeal date for those provisions pertaining to an employee's predesignation of a personal physician. This bill contains other related provisions and other existing laws. **Status: ASSEMBLY DESK CLFP position: Oppose**

SB 1625 (Corbett) Recycling: CRV containers. The bill would add VEGETABLE JUICE CONTAINERS, larger than 16 ounces into the program (vegetable juice containers 16 ounces or less are all ready in the program) along with many other household product containers. This bill would also rename the California Beverage Container Recycling and Litter Reduction Act to the California Container Recycling and Litter Reduction Act, among other things. **Status: ASSEMBLY DESK CLFP position: Oppose**

SB 1713 (Migden) Children's products: bisphenol. This bill would prohibit the manufacture, sale or distribution in commerce of any child care article intended for use by a child three years of age or younger that contains detectable levels of bisphenol-A, and requires manufacturers to use the least toxic alternatives when replacing bisphenol-A. As amended, CLFP has removed its opposition due to the more narrowly written definition for "child care article". **Status: ASSEMBLY E.S. & T.M. CLFP position: Neutral**

SB 1717 (Perata) Workers' compensation: permanent partial disability benefits. Would eliminate those provisions requiring an employer to pay an injured employee a decreased amount of permanent disability benefits if, within 60 days of a disability becoming permanent and stationary, the employer offers the injured employee regular work, modified work, or alternative work, within those specified time periods, regardless of whether the injured employee accepts or rejects the offer. The bill would also revise the formula for computing those benefits for injuries causing permanent disability, which occur on or after January 1, 2009. **Status: ASSEMBLY DESK CLFP position: Oppose**